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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------|
| 09/515,575 | 02/29/2000 | Danielle V. Levy | 002801.P013 | 9778 |
| 7590 | 07/13/2004 | | EXAMINER | |
| Andre L Marais Blakley Sokoloff Taylor & Zafman LLP 12400 Wilshire Boulevard 7th Floor Los Angeles, CA 90025 | | | PWU, JEFFREY C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3628 | |
| | | | DATE MAILED: 07/13/2004 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/515,575 | LEVY ET AL. |
| Examiner | Art Unit | |
| Jeffrey Pwu | 3628 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-19,21-31 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-19,21-31 and 34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-19, 21-31, and 34 rejected under 35 U.S.C. 102(e) as being unpatentable over Bowman-Amuah (U.S. 6,697,824).

Bowman-Amuah discloses a system and method of harvesting feedback pertaining to transactions facilitated by a network-based transaction facility, including:

- identifying a plurality of transactions associated with a first user, the plurality of transactions comprising completed transactions, facilitated by the network-based transaction facility, in which the first user participated with at least one other user (2700; fig.27);
- communicating user interface information from the network-based transaction facility to a client associated with the first user via a communication network, the user interface information including transaction information concerning at least first and second transactions of the plurality of transactions associated with the first user and specifying a single feedback interface facilitating user input of feedback information for each of the at least first and second

transactions of the plurality of transactions (1012, 1106, 1208, 1502, 1500, 1400, 1608-1618, 2702, 2708, 2902, 2910, 3202);

→ receiving at the network-based transaction facility, the feedback information provided by the first user through the single feedback interface, for each of at least the first and second transactions, the feedback information being received via the communication network (col.28, lines 38-col.30, line 31);

→ identifying the completed transactions as transactions in which the first user participated as a buyer and the least one other user participated as a seller (“When a request for a service is received over a network in operation 1202, information about a product on the network is searched in operation 1204 in order to perform the service. Data including the price of the product is selected from the information on the network and the service is performed utilizing the data in operations 1206 and 1208. The service may include making suggestions based on a user's profile and history. The service requested may also include retrieval of data. Thirdly, the service requested may include a product comparison. As an option, the data may further include detailed product attributes. As another option, the services of other agents may also be used to perform the service.”);

→ identifying the completed transaction as transactions in which the first user participated as a seller and the at least one other user participated as a buyer (1012, 1106, 1208, 1502, 1500, 1400, 1608-1618, 2702, 2708, 2902, 2910, 3202);

→ identifying the completed transaction in which the first user participated within a predetermined time period (1012, 1106, 1208, 1502, 1500, 1400, 1608-1618, 2702, 2708, 2902, 2910, 3202);

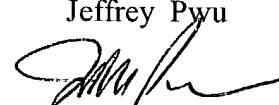
→ wherein the type information indicates the feedback type as being any one of a group including positive feedback, negative feedback, and neutral feedback (col.53, lines 35-col.54, line 8).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3-19, 21-31, and 34 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Pwu whose telephone number is 703 308-7835. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 703 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jeffrey Pwu

Art Unit 3628
JEFFREY PWU
PRIMARY EXAMINER